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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

Case No. S90-00056

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
CONSOLIDATED RAIL CORPORATION)
a/k/a CONRAIL,)
)
Defendant and)
Third Party Plaintiff,)
)
PENN CENTRAL CORPORATION,)
et al.,)
)
Third Party Defendants.)
)
-----/

The deposition of GEORGE F. EDSALL

Date: Tuesday, December 15, 1992

Time: 2:40 p.m.

Place: 205 West Jefferson
Suite 312
South Bend, Indiana

Called as a witness by the
Plaintiff in accordance with the
Federal Rules of Civil Procedure,
pursuant to agreement entered into by
counsel for the respective parties.

Before Dorothy L. Hoade, CSR
Notary Public, State of Indiana

1
2 MR. KURT N. LINDLAND
3 Office of Regional Counsel
4 U.S. Environmental
5 Protection Agency
6 Region 5: CS-3T
7 77 West Jackson Boulevard
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9 For the Plaintiff;

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15 For Consolidated Rail Corporation;

16 MR. GLENN ROSSWURM
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20 For Penn Central Corporation.

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I N D E X

THE DEPOSITION OF

GEORGE F. EDSALL

DIRECT EXAMINATION

By Mr. Lindland. Page 4

CROSS EXAMINATION

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REDIRECT EXAMINATION

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E X H I B I T S

Plaintiff's Exhibit No. 1

Map of Conrail Elkhart yard. Page 30

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GEORGE F. EDSALL

called as a witness by the Plaintiff being first
duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. LINDLAND:

Q Would you state your full name for the record,
please?

A George F. Edsall.

Q And your address?

A (b) (6)

Q And your phone number, please?

A (b) (6)

Q As I indicated earlier, my name is Kurt Lindland.
I'm an attorney with the United States
Environmental Protection Agency. I represent the
agency in the action for which we are here today.

Are you familiar with the oath that you just
took?

A Yes.

Q Do you recognize that oath as binding on you today
as it would be in a court of law?

A Yes.

Q If there is a question that I ask and you don't
understand, say you don't understand it and I can

1 rephrase the question for you.

2 A Fine.

3 Q If you need to leave for any reason, let me know
4 and we can arrange for a break.

5 If there is an objection by your attorney,
6 you should still answer the question unless your
7 attorney instructs you otherwise.

8 Do you understand everything I've just said?

9 A Yes.

10 Q Have you ever been deposed before?

11 A Several years ago.

12 Q Do you remember the name of the action in which
13 you were deposed?

14 A No.

15 Q Do you remember the circumstances surrounding the
16 deposition; in other words, the nature?

17 A Personal injury, employee.

18 Q Was that related to the Conrail railyard?

19 A Yes.

20 Q Do you remember whether hazardous substances were
21 involved with that personal injury?

22 A No.

23 Q Do you remember the year, approximately?

24 A I would say maybe 1986.

25 Q Have you ever testified at trial before?

1 A Yes.

2 Q Was that in the same action?

3 A Yes.

4 Q And what was the nature of your part in the trial?

5 A I took the injured person to the hospital, and I
6 just explained what my duties were and what I did
7 at the time.

8 Q So you were a witness, in other words?

9 A A witness after the fact.

10 Q A witness to him going to the hospital, anyway?

11 A Right.

12 Q Did you speak with anyone in preparation for your
13 deposition today?

14 A I was notified by Mr. Ermilio.

15 MR. ERMILIO: Other than your
16 attorney.

17 THE WITNESS: No.

18 BY MR. LINDLAND:

19 Q Other than that?

20 A No.

21 Q Did you review any documents in preparation for
22 your deposition today?

23 A No.

24 Q Did you prepare any notes or memoranda or
25 letters --

1 A No.

2 Q -- in preparation for this deposition?

3 A No.

4 Q Have you reviewed any of the pleadings in this
5 case? In other words, have you looked at any of
6 the documents that have been filed in court
7 regarding this action?

8 A No.

9 Q Do you know whether your attorney has reviewed
10 your files at Conrail in preparation for this
11 deposition?

12 A No, I don't.

13 Q Are there any documents that you have, other than
14 those at Conrail, regarding your job at Conrail?

15 A No.

16 Q I'd like to start off with some background
17 information on you, beginning with your
18 education. If you could just state in summary
19 form your formal education, beginning with high
20 school.

21 A That's all I have had is a high school education.

22 Q Where did you go to high school?

23 A Goshen High School, Goshen, Indiana.

24 Q What year was that?

25 A Graduated in 1956.

1 Q Did you attend any seminars or training after
2 1956?

3 A With Conrail, I've gone to supervision and some
4 other training classes I have had, CQI.

5 Q What is CQI?

6 A It's a training program where we more or less get
7 involved with the operation as far as gaining new
8 customers, continuous quality improvement.

9 Q Have you attended any training at Conrail
10 regarding hazardous materials or the handling or
11 the use of hazardous materials?

12 A Some of our rules classes, the hazard -- they show
13 a hazard movie.

14 Q Do you know who teaches those rules classes?

15 A Alan Fisher.

16 Q Is he a Conrail employee?

17 A Yes.

18 Q Is he employed at the Elkhart yard?

19 A No, he's at the Philadelphia, assisting rules
20 class.

21 Q What year did you first attend a rules class at
22 the Elkhart yard?

23 A I would say probably 1963.

24 Q Do you remember in 1963 whether the handling of
25 hazardous materials was discussed in that rules

1 class, other than a movie?

2 A I don't remember, no.

3 Q Do you remember whether specific spills of
4 hazardous materials were discussed in that class?

5 A Not to my knowledge.

6 Q Did you attend any other rules classes in which
7 they showed a movie or otherwise discussed
8 hazardous materials since 1963?

9 A Yes.

10 Q What year was that?

11 A From 1966 through 1992.

12 Q So that is an annual class?

13 A Yes.

14 Q Do you ever remember someone discussing a specific
15 spill of hazardous materials at one of those
16 classes?

17 A No.

18 Q Is it fair to say that handling of hazardous
19 materials was discussed in a sort of general
20 manner?

21 A Yes.

22 Q Between '66 and 1992, did they discuss or present
23 procedures for handling hazardous material spills,
24 other than the movie?

25 A Not that I can remember.

1 Q Were there any materials -- by materials, I mean
2 instructional materials -- handed out at that
3 rules class?

4 A Well, we're all required to have a CT225 hazardous
5 materials book, which we carry.

6 Q Is there anything else, an outline of the course
7 or anything of that nature?

8 A Not to my knowledge.

9 Q Have you attended any other training or seminars
10 since you began working at Conrail, other than the
11 ones you have just identified?

12 A I think it was three years ago, they had a tank
13 car here that they gave training to the local fire
14 department on hazardous materials, and I attended
15 that class.

16 Q Do you remember who taught that class?

17 A Not at the moment, no.

18 Q Was that someone at Conrail?

19 A Yes, it was a Conrail employee.

20 Q Were they from Philadelphia?

21 A Yes.

22 Q Was it Tom Pendergast?

23 A I don't remember.

24 Q Do you remember whether any specific spills of
25 hazardous materials were discussed during that

1 tank car training?

2 A Not that I remember.

3 Q Do you remember whether the cause of tank car
4 ruptures were discussed during that training?

5 A I think mostly it pertained to leaking tank cars,
6 valves and stuff like that, but that's all I
7 remember.

8 Q Were the causes of leaking tank cars discussed at
9 that training?

10 A I don't remember at this time.

11 Q Were the procedures for responding to a tank car
12 accident or spill discussed?

13 A I believe they were.

14 Q Do you remember what those procedures are?

15 A I know what our procedure is, to call the
16 supervisors and then call Chemtrek.

17 Q Those I'm fairly familiar with.

18 In an effort to sort of cut down on the
19 amount of questions, if you can just identify the
20 procedures discussed at that training.

21 A I don't remember.

22 Q Do you remember any other training or seminars you
23 attended, other than the tank car training in 1989
24 and the various rules classes between 1963 and
25 1992 that you attended?

1 A Well, we have various training classes each year
2 on just general training that we attend each year.

3 Q Okay. What about training regarding hazardous
4 materials?

5 A None more than what I've specified.

6 Q Do you remember whether you have attended any
7 training regarding cleaning of equipment?

8 A No.

9 Q You mentioned a moment ago you graduated from high
10 school in 1956?

11 A Yes.

12 Q Were you employed immediately after that?

13 A Yes.

14 Q Who were you employed by?

15 A Kroger's.

16 Q How long did you work for Kroger's?

17 A Oh, between Kroger and A&P, until about 1962.

18 Q Where was that?

19 A Goshen, South Bend, Elkhart, Youngstown, Ohio.

20 Q What was your position with Kroger's?

21 A Various positions, produce manager, stock manager.

22 Q Did you change jobs in 1962?

23 A Yes. I went to work for Conrail or New York
24 Central.

25 Q And where was that?

1 A Elkhart.

2 Q What was your first position with Conrail in 1962?

3 A Switchman.

4 Q What were your responsibilities as a switchman?

5 A Switch cars. That's about it, make up trains
6 and --

7 Q When you say switch cars, do you mean actually
8 being out in the yard and switching the tracks?

9 A Right.

10 Q That's the manual switchers; is that correct?

11 A Yes. We have -- the yard, I'm sure you're
12 familiar with the yard, but the west end of the
13 yard is the pull back yard and the east end of the
14 yard is the hump part of the yard, and I worked
15 both positions, east and west part of the yard.

16 Q In 1962, your first job at Elkhart, did you work
17 in the east or west end; do you know?

18 A Both.

19 Q Do you remember who your supervisor was in 1962
20 when you were a switchman?

21 A Jim Page was the terminal superintendent.

22 Q How long were you a switchman?

23 A Till 1964.

24 Q Did you have the same supervisor between '62 and
25 '64?

1 A I believe so.

2 Q Are you aware of any other employees that are out
3 at the Elkhart yard now that you worked with up
4 between 1962 and 1964?

5 A Almost all retired.

6 Q What did you change jobs to in 1964?

7 A Let me think. I worked for the mobile home
8 industry in Elkhart.

9 Q Was that the name of the company?

10 A No. There were so many companies, I couldn't tell
11 you half of them anymore because they were all --
12 a lot of them were in business for six months,
13 eight months, and you just went from job to job
14 then.

15 Q What was your job with those various mobile home
16 industries?

17 A In the mill doing saw work, different types of saw
18 work, mostly.

19 Q When you say saw work, you mean cutting plastics?

20 A Boards, wood.

21 Q How long did you work in the mobile home industry?

22 A Till 1973. I went back with New York Central in
23 '66, so don't get too confused. I worked two jobs
24 for several years.

25 Q So between 1964 and 1966, you worked solely in the

1 mobile home industry?

2 A Right.

3 Q Then in 1966, you went back to New York Central?

4 A Yes.

5 Q But you continued working until 1973 for the
6 mobile home industry?

7 A Um-hmm.

8 Q In 1966, what did you go back to New York Central
9 as?

10 A As a caller for about a month, and then I went
11 into engine service.

12 Q Engine service?

13 A Fireman, as I recall, back then.

14 Q That is basically an assistant to the engineer?

15 A Yes.

16 Q What does a caller do?

17 A It's a cab driver for the yard.

18 Q A cab driver?

19 A Um-hmm.

20 Q What do you mean by cab driver? You mean an
21 engine driver?

22 A No. He takes the crews around to the various
23 trains.

24 Q If you could, briefly describe your
25 responsibilities as a fireman.

1 A Assist the engineer in his duties.

2 Q How long were you a fireman since 1966?

3 A Until 1976.

4 Q What was your job title then in 1976?

5 A Road foreman, engines.

6 Q If we could jump back for a moment to when you
7 were a fireman, do you remember any of your
8 supervisors' names?

9 A Division road foreman's name when I hired out was
10 Mr. Hoffman.

11 Q Do you know where Mr. Hoffman is today?

12 A He retired about three months after I hired out,
13 so I really don't know.

14 Q Do you know whether he is in the Elkhart area?

15 A I have no idea.

16 Q Do you remember any other supervisors?

17 A There was Dallas Hann, D. D. Hann, H-a-n-n.

18 Q Is Mr. Hann still with Conrail today?

19 A No, he's retired.

20 Q Is he in the Elkhart area?

21 A Yes.

22 Q Do you know approximately when he retired?

23 A I would say around 1980.

24 Q Do you remember any other supervisors?

25 A There was a James Svoboda, S-v-o-b-o-d-a, I

1 believe it is.

2 Q Does he still work with Conrail?

3 A No, he's retired.

4 Q Is he in Elkhart?

5 A He was the last I knew. He retired probably about
6 1985, '86, somewhere in that area.

7 Q Do you remember any other supervisors you had?

8 A Not offhand.

9 Q You mentioned then in 1976 your job title changed
10 to road foreman?

11 A Yes.

12 Q What were your responsibilities as a road foreman?

13 A Oh, instruct engineers on training.

14 Q What do you mean by instruct them?

15 A Ride with them on their trains and assist them
16 with any problems they had, make sure that their
17 qualifications as far as being an engineer were up
18 to date, air brake instruction as far as handling
19 of trains.

20 Q Is it fair to say you were there to sort of
21 oversee the engineers to ensure that they were
22 sort of complying with all the rules and
23 regulations associated with being an engineer?

24 A Yes.

25 Q Do you remember any of your supervisors in 1976

1 while you were a road foreman?

2 A There was a Jack Keller. This was in Toledo.

3 Q When you were a read foreman, were you in Elkhart?

4 A I was in Toledo.

5 Q Let's go back again to 1966 to 1976 when you were
6 a cab driver first and then a fireman. Was that
7 in the Elkhart yard?

8 A Yes.

9 Q So then you went to Toledo in 1976, correct?

10 A Right.

11 Q How long were you in Toledo as a road foreman?

12 A I was road foreman for nine months and then I went
13 back as an engineer for two years and three
14 months.

15 Q When you say you went back, you went back to
16 where, Elkhart?

17 A No, I stayed in Toledo.

18 Q So then, until 1979 roughly, you were in Toledo?

19 A Right. January 1st of '79, I went to Jackson,
20 Michigan.

21 Q What was your job title in 1979?

22 A Road foreman of engines.

23 Q Why did you go from engineer back to road foreman?

24 A I was asked.

25 Q And again, your responsibilities were basically

1 the same as before when you were a road foreman?

2 A Yes.

3 Q Jackson, Michigan, is that a switching yard?

4 A In 1979, it was, yes.

5 Q Similar to the Elkhart yard?

6 A With the exception there is no hump there. It's a
7 flat switch area.

8 Q But they have an engine house and a car shop and
9 all the various --

10 A Not anymore; they used to. At that time, they
11 did.

12 Q So between 1976 and 1979, they did have those
13 facilities there -- I'm sorry -- 1976 to '79, you
14 said you were in Toledo, right?

15 A Yes.

16 Q While you were in Toledo, was that yard basically
17 the same as the Elkhart yard?

18 A Yes.

19 Q And again, did they have an engine house and a car
20 shop?

21 A Yes.

22 Q What about a hump?

23 A Yes.

24 Q In 1979, you went to Jackson, Michigan. Did they
25 at Jackson have an engine house and a car shop and

1 the same facilities as they do today at Elkhart?

2 A With the exception of the hump. They didn't have
3 a hump.

4 Q How long were you in Jackson, Michigan, as a road
5 foreman?

6 A Ten years.

7 Q What did you do in 1989?

8 A Transferred to Elkhart.

9 Q What was your title in 1989 when you transferred
10 to Elkhart?

11 A Road foreman of engines.

12 Q Have your responsibilities changed as road foreman
13 since the first day you were a road foreman back
14 in 1986?

15 A No, not really, basically the same.

16 Q Has your job changed since 1989?

17 A No.

18 Q Are you a road foreman today at the Elkhart yard?

19 A Yes.

20 Q If we could go back to 1962, when you were a
21 switchman, you mentioned that you were responsible
22 for switching cars. Did that entail maintaining
23 any switching equipment?

24 A No.

25 Q Were you responsible for maintaining any equipment

1 at all as a switchman?

2 A No.

3 Q Do you remember whether you responded to any
4 spills or leaks of hazardous materials between
5 1962 and 1964?

6 A No.

7 Q Do you ever remember seeing any ruptured tank cars
8 between '62 and '64?

9 A No, I haven't.

10 Q Do you remember hearing about any ruptured tank
11 cars?

12 A No.

13 Q You mentioned that in 1964 you worked for the
14 mobile home industry?

15 A Yes.

16 Q Are you familiar with carbon tetrachloride?

17 A No.

18 Q Have you ever heard of it?

19 A I've heard the name, but I don't know what it is.

20 Q In what context have you heard the name?

21 A Just I've heard the name on TV or whatever it was,
22 but I've heard the name.

23 Q What about trichlorethylene?

24 A No.

25 Q Was that ever used in the mobile home industry

1 that you know of?

2 A Not that I know of.

3 Q You mentioned in 1966, you worked for New York
4 Central. That was at the Elkhart yard; is that
5 correct?

6 A Yes.

7 Q For one month, you were a cab driver. Do you
8 remember whether you became aware of any spills
9 from tank cars of hazardous materials?

10 A No.

11 Q Do you remember ever hearing about any accidents
12 involving tank cars?

13 A No.

14 Q Do you remember seeing any tank cars with holes in
15 them or that appeared to be in accidents?

16 A No.

17 Q In 1976, when you were transferred to the Toledo
18 yard, were you responsible for maintaining any
19 equipment as a road foreman?

20 A Only to see that, if there was a problem with the
21 equipment, that I would notify the proper people
22 to repair it, but as far as maintaining it myself,
23 no.

24 Q What kind of equipment would you be responsible
25 for ensuring that it was fixed?

1 A Diesel engines.

2 Q Are you familiar with how the electronics on a
3 diesel engine are cleaned?

4 A No.

5 Q Are you familiar with any of the procedures for
6 maintaining a diesel engine?

7 A No.

8 Q As a road foreman, what is your responsibility if
9 the train you're on is involved in an accident and
10 a car that contains hazardous material has been
11 ruptured? Do you have any specific instructions
12 or procedures that you need to follow?

13 A First thing is to notify the dispatcher.

14 Q That's the train dispatcher in the yard from which
15 the train left?

16 A No. It'd be the dispatcher on the road wherever
17 we're at, whoever is in charge of that territory.

18 Q Would you notify anyone else?

19 A No. They notify everybody from their office.

20 Q Do you remember whether you made any such
21 notification between 1976 and 1979?

22 A No.

23 Q Are you aware of who the train dispatcher was that
24 covered the Elkhart yard during that time?

25 A No.

1 Q It wasn't the same train dispatcher that you had;
2 is that correct?

3 A At which time is this?

4 Q Between 1976 and 1979.

5 A '76 to '79, I was in Toledo.

6 Q And there was a train dispatcher at the Toledo
7 yard then?

8 A Yes.

9 Q You mentioned that in 1979, you were an engineer
10 in the Toledo yard?

11 A Yes.

12 Q What were your responsibilities as an engineer
13 with respect to accidents involving hazardous
14 materials?

15 A Notify my immediate supervisor if there were any
16 problems.

17 Q And that would be the road foreman?

18 A Either be the road foreman or the yard dispatcher
19 or the trainmaster.

20 Q Would you do anything else?

21 A It just depends on the situation where I was at
22 and if there was a problem.

23 Q Were there any records that you would keep or any
24 notes that you would make other than identifying
25 this on a CT166 -- or 68? I'm sorry.

1 A The conductor would do that. The engineer doesn't
2 do that. The conductor was in charge of the
3 train. He took care of the paperwork.

4 Q So as an engineer, you would not keep any records?

5 A No.

6 Q Is this also true as a road foreman, you would not
7 keep any records?

8 A No, I wouldn't keep any records. Either the
9 trainmaster or the terminal superintendent would
10 take care of the recordkeeping.

11 Q You mentioned that in 1979 you were transferred to
12 the Jackson, Michigan, yard. Are you familiar
13 with the material used for cleaning equipment at
14 the yard in Jackson, Michigan?

15 A No.

16 Q Again, you were a road foreman, so basically your
17 function was to oversee the engineer, right?

18 A Right.

19 Q Are you aware of any accidents involving tank cars
20 between 1979 and 1989?

21 A No.

22 Q Are you a member of a union?

23 A Yes.

24 Q What union is that?

25 A B of LE, Brotherhood of Locomotive Engineers.

1 Q Have you always been a member of that union?

2 A No.

3 Q Was there a different union in 1966 that you were
4 a member of?

5 A Yes.

6 Q What union was that?

7 A I think what they called it then -- it was a
8 firemen's union. I don't remember what -- they
9 later went in when the UTU come into existence,
10 when the United Transportation Union come into
11 existence, it was part of that.

12 Q Do you know who the local chairperson is of the
13 B of LE?

14 A At the present time?

15 Q Right.

16 A Mike Shafer.

17 Q Do you know how long Mr. Shafer has been the local
18 chairperson?

19 A No.

20 Q Are you familiar with whether refrigerants are
21 stored at the Elkhart yard?

22 A No.

23 Q Do you remember ever seeing any canisters like
24 those pressurized canisters at the Elkhart yard?

25 A No.

1 Q Are you familiar with any materials stored in
2 55-gallon drums?

3 A I'm aware there's some around the yard, but the
4 only thing I know is in some of them is lube oil
5 for oiling the terminals on the older type cars.

6 Q I realize this goes back a ways, but between 1962
7 and 1964, do you remember whether there were any
8 55-gallon drums with material in them out at the
9 Elkhart yard?

10 A I don't remember.

11 Q When do you first remember seeing drums of lube
12 oil?

13 A I guess it's something that's there that you just
14 don't pay attention to. I would suppose probably
15 my first recollection would probably be in
16 Jackson, Michigan.

17 Q So between 1966 and 1976, when you were at the
18 Elkhart yard, you don't remember seeing drums of
19 lube oil out there?

20 A No.

21 Q Do you remember seeing any drums of anything out
22 at the Elkhart yard between those dates?

23 A No.

24 Q When you were a cab driver, were you driving
25 around the yard dropping crews off all over the

1 yard?

2 A Yes.

3 Q And you don't remember seeing any drums out there
4 when you were driving around?

5 A No.

6 Q Do you remember seeing any drums out at the
7 Elkhart yard in 1989?

8 A Yes.

9 Q What were in those drums; do you remember?

10 A Lube oil.

11 Q How do you know it was lube oil?

12 A I seen the car department people stop and fill up
13 their cans. I assumed it was lube oil for the
14 cans.

15 Q Is the car department the only department that
16 uses those drums for material?

17 A I believe there are some in the engine house, in
18 the inside of the building.

19 Q Do you know what is in those drums?

20 A As far as I know, lube oil.

21 Q How do you know it's lube oil in the engine house?

22 A I just assumed it was because every once in a
23 while, I'd see them get some out.

24 Q Again, are you aware of anyone else using these
25 drums, other than the engine house and the car

1 shop?

2 A No.

3 Q Are you aware of any drums, 55-gallon drums, at
4 the purchasing department or the store?

5 A No. The storehouse and the car shop are all right
6 together.

7 Q So when you said the car shop, did you mean drums
8 in the store or did you mean drums --

9 A Well, they keep drums along the tracks in the
10 receiving yard.

11 Q Do you know why they keep them along the tracks?

12 A So they can get to them to fill them up, fill up
13 their cans to lube the cars.

14 Q Are you aware of any other containers stored along
15 the tracks, other than those drums?

16 A No.

17 Q Are you aware of any other drums in the yard, in
18 the Elkhart yard, other than what you have just
19 identified?

20 A No.

21 Q Are you aware of any areas in the yard that were
22 used for burying railroad ties and debris?

23 A Yes, there is one place.

24 Q Where, approximately, is that?

25 A Across from where the new main line fuel pad used

1 to be. I think everybody in Elkhart brought their
2 trash out there.

3 (Plaintiff's Exhibit No. 1 marked for
4 identification.)

5 BY MR. LINDLAND:

6 Q I'm handing you what has been marked as
7 Plaintiff's Exhibit No. 1. Do you recognize this
8 document?

9 A Yes.

10 Q What do you recognize this document as?

11 A A map of the Elkhart yard.

12 Q Could you identify on this map, using the grids
13 that are laid out there, where this area is that
14 was used by, I presume, Conrail and all of
15 Elkhart, as you stated earlier, for disposal?

16 If you notice, each grid is numbered 1A to
17 5B, et cetera.

18 A It's in part of 1A and 2A, both, I believe.

19 Q 1A and 2A?

20 A Yes.

21 Q Near the middle of those grids?

22 A Right.

23 Q Did Conrail charge the public to use that disposal
24 area?

25 A No.

1 Q How did you know that area was used by other
2 people?

3 A It was an eyesore. People would come in from all
4 over and just dump.

5 Q Do you have any idea what they would dump there?

6 A I've seen all types of stoves and refrigerators
7 and just general stuff that they didn't want to
8 take to the place they'd have to pay.

9 Q Do you know whether there were any 55-gallon drums
10 there?

11 A No.

12 Q Do you remember seeing any paint cans or other
13 metal containers?

14 A No, I don't.

15 Q Approximately how long was that area used?

16 A I really don't know. I don't have any idea.

17 Q Do you remember when the first date you saw
18 material there was?

19 A No.

20 Q Do you remember seeing it in the seventies?

21 A I really don't remember.

22 Q You worked --

23 A Possibly, it could have been in the seventies.

24 Q You said you worked there from 1989 to the
25 present. Do you remember seeing it between those

1 dates?

2 A No. It's been -- whatever they dumped, they just
3 stopped it by that time.

4 Q So in 1989, you did not see this material there?

5 A No.

6 Q Do you know whether it was buried?

7 A I believe it was buried.

8 Q How do you know it was buried, or why do you
9 believe it was buried?

10 A It looks -- there's more dirt now than what used
11 to be there. There used to be sort of a hole, and
12 it's filled in now.

13 Q Now, you were gone from the Elkhart yard between
14 1976 and 1989, right?

15 A Yes.

16 Q So you must have seen that then between 1962 to
17 1976; does that sound right?

18 A Yes, it sounds about right.

19 Q Do you remember whether it was there the whole
20 time?

21 A No.

22 Q Have you ever used any type of cleaner out at the
23 Elkhart yard?

24 A No.

25 Q Have you used any kind of liquid such as paint or

1 paint thinner?

2 A At home?

3 Q No, at the Elkhart yard.

4 A No.

5 Q Are you familiar with a Safety Clean parts washer?

6 A No.

7 Q Have you ever heard of it?

8 A I've heard of parts washers, but I never heard of
9 that brand or whatever it is.

10 Q Are you familiar with a parts washer out at the
11 Elkhart yard?

12 A No.

13 Q Are you familiar with any buried tank cars in the
14 Elkhart yard?

15 A No.

16 Q Are you familiar with any underground tanks of any
17 kind?

18 A No, not really, not that I can think of right now.

19 Q Are you aware of any underground containers at
20 all?

21 A I know in the car department, they've got a gas
22 pump there, so I assume there's a buried tank
23 there for the gas, gasoline for the trucks.

24 Q Have you ever heard of a dry cinder pit?

25 A No.

1 Q How about a wet cinder pit?

2 A No.

3 Q Are you aware of anyone who works out at Conrail
4 today that worked there between 1962 and 1964 when
5 you were out there?

6 A There might be a few switchmen left out there.

7 Q Do you recall their names?

8 A R. J. Walters. Most of them retired these last
9 couple of years. T. D. Warner.

10 Q These people are retired?

11 A No, they're still working. These are the ones
12 that are still working.

13 W. F. Roose.

14 Q Roose?

15 A Roose, R-o-o-s-e. That's all I can think of right
16 now.

17 Q Mr. Walters, Warner, and Roose, are they still
18 switchmen?

19 A Yes.

20 Q Are you aware of anyone who is retired now that
21 lives in Elkhart that was there between 1962 and
22 1964 when you were there?

23 A No.

24 Q What about between 1966 and 1976?

25 A I'd have to have the seniority roster and maybe go

1 down through that, but offhand, I don't know.

2 Q Do you remember anyone's name who is still there
3 that was there between '66 and '76, other than the
4 three you just mentioned?

5 MR. ERMILIO: Kurt, I think you
6 asked him for people that were there
7 from '62 to '64. Those people were
8 there from '62 to '64.

9 MR. LINDLAND: Right.

10 MR. ERMILIO: You're now looking
11 for six --

12 MR. LINDLAND: '66 to '76.

13 MR. ERMILIO: Okay.

14 THE WITNESS: There was a lot of
15 people hired, as far as engineers, in
16 1966, and a lot of those people are
17 still there.

18 BY MR. LINDLAND:

19 Q Do you know what their names are? If there is
20 fifteen or twenty of them, I don't need fifteen or
21 twenty.

22 A There is probably that many.

23 Q Can you name five?

24 A J. W. Long, D. D. Berkey.

25 Q These are engineers?

1 A Right.

2 Q J. W. --

3 A Long.

4 Q -- Long. What was the second one you mentioned?

5 A D. D. Berkey, D. D. Rodman, R. G. Stall, D. L.
6 Smittendorf.

7 Q You mentioned in 1979, you were an engineer; is
8 that right?

9 A From 19 -- all of '76 until 1979, I was an
10 engineer.

11 Q That was in the Toledo yard, right?

12 A Yes.

13 Q At that time, do you remember any spills of
14 hazardous materials?

15 A No.

16 Q If there was, you would be notified?

17 A No.

18 Q You would not be notified at all?

19 A Probably not.

20 Q Unless it was a train you were operating?

21 A Right.

22 Q Then you would be notified by the dispatcher?

23 A Well, I don't know how to put this. You say that
24 the train I'm operating -- would you explain that
25 more?

1 Q Okay. My understanding is you're an engineer and
2 you're operating a train?

3 A Right.

4 Q If that train is in an accident and there is a
5 spill of hazardous materials, you said you would
6 be notified. I'm asking you whether you would be
7 notified by the train or the dispatcher or by
8 someone else?

9 A Normally, by the conductor, because he would be
10 the person who would go back to see what the
11 problem was.

12 Q Then you would notify the train dispatcher?

13 A Either I would or the conductor himself. Somebody
14 would.

15 Q Again, you wouldn't keep any records, though?
16 That would be the conductor's responsibility?

17 A Right.

18 Q Is it your understanding that that procedure was
19 basically -- that was implemented in all the
20 railyards that were run by Conrail?

21 A To the best of my knowledge.

22 Q If there was a spill that occurred in a railyard,
23 how would a switchman know about it, if at all?

24 A If he found it, he'd know about it. Otherwise,
25 word of mouth, I would imagine, would be the only

1 other way.

2 Q But if a switchman is switching cars and there is
3 an accident and a spill is caused, would the
4 switchman then report that to someone or would
5 somebody else?

6 A He'd report it to whoever was in charge of that
7 area that he was at.

8 Q When there are accidents in the yard, my
9 understanding is rail cars will derail, various
10 things happen.

11 Without going into detail on all those, if
12 you could just tell me what the responsibilities
13 of a switchman are with respect to accidents
14 involving railcars?

15 A He would notify the yardmaster and the yardmaster
16 would in turn notify the trainmaster, the
17 assistant terminal superintendent or whoever was
18 in charge at that time.

19 Q So is the switchman normally the first one to find
20 out about such an accident?

21 A If the accident happened in his area, I would say
22 yes.

23 Q Do switchmen keep any records other than CT168s?

24 A No, they wouldn't keep any records.

25 Q Do they normally take notes regarding information

1 that would be recorded on a CT168?

2 A They may.

3 Q Is it the normal practice?

4 A No.

5 Q Is it required?

6 A No.

7 Q From 1962 to 1964, again, you said you were a
8 switchman. I may have asked you this already.
9 Did you ever report a spill or an accident
10 involving a tank car?

11 A No.

12 MR. LINDLAND: I have no further
13 questions.

14 CROSS EXAMINATION

15 BY MR. ROSSWURM:

16 Q Mr. Edsall, my name is Glenn Rosswurm, local
17 counsel for Penn Central, one of the defendants in
18 this case. I just have a few questions for you.

19 I believe earlier you stated that in 1966,
20 you served in the position of a caller for one
21 month, for approximately one month; is that
22 correct?

23 A Yes.

24 Q And you also stated that during your time as a
25 caller, you weren't aware of any spills or tank

1 car ruptures throughout the yard?

2 A No.

3 Q Then from 1966 to 1976, you served as a fireman?

4 A Yes.

5 Q Is that correct?

6 A Yes.

7 Q Now, during that period while you were at the
8 Elkhart yard, did you witness or did you become
9 aware of any spills or tank car ruptures?

10 A Not that I was aware of.

11 Q Did you hear about any spills at all?

12 A Not that I can remember, no.

13 Q Do you know an individual named or have you heard
14 of an individual named Claude Bruton?

15 A No.

16 Q Do you know an individual named Ted Berkshire?

17 A No.

18 Q Are you familiar with the layout of the tracks at
19 the Elkhart yard?

20 A Yes.

21 Q Do you know where Track 69 is located,
22 approximately?

23 A Yes.

24 Q Has there been, to your knowledge, any change in
25 the layout of the tracks at Elkhart yard since you

1 first became employed at the yard' in 1962?

2 A The only changes I know of, they extended some of
3 the W yard tracks, but other than that, no.

4 Q Would that have affected the location of Track 69?

5 A No.

6 MR. ROSSWURM: I don't have
7 anything further.

8 MR. LINDLAND: I have just a
9 couple more.

10 REDIRECT EXAMINATION

11 BY MR. LINDLAND:

12 Q It's my understanding that you had never heard of
13 trichlorethylene before; is that right?

14 A No.

15 Q Your only knowledge of carbon tetrachloride is
16 through the news or on TV or something?

17 A Right. I've heard the name, but I don't have any
18 idea what it is.

19 Q Are you familiar with refrigerated cars?

20 A Yes.

21 Q Are you familiar with how those cars are
22 maintained?

23 A No, not really.

24 Q Do you know whether they are maintained in the
25 Elkhart yard?

1 A I know they have to fuel them sometimes if they
2 come in and they run out of fuel. I've heard that
3 they have had to put diesel fuel in them.

4 Q Who does the fueling?

5 A I don't know. I have never seen it done.

6 Q Would that be the job of a car shop employee?

7 A I don't know.

8 Q Do you know whether they're maintained in any
9 other way, other than fueling?

10 A Not to my knowledge.

11 Q Are you aware of any accidents involving
12 refrigerated cars in the Elkhart yard?

13 A No.

14 Q Are you aware of any accidents involving cars at
15 all in the Elkhart yard?

16 A Yes.

17 Q But none involving tank cars or refrigerated cars?

18 A No.

19 Q Do you know specifically that the cars that you
20 are thinking about that were in accidents, whether
21 those were tank cars or refrigerated cars?

22 A Not that I can remember.

23 Q So they may have been tank cars or refrigerated
24 cars; your only recollection is that they were
25 cars?

1 A Right.

2 Q Approximately how many accidents involving cars
3 per month are you aware of?

4 A That's difficult to answer. Just when there's a
5 derailment, I get called out to go take a quick
6 look at it before anybody else arrives, a lot of
7 times, if I'm in the area. But as far as how many
8 a month or week, I don't really know.

9 Q Do you recall going out and taking a look at a
10 derailment, ever?

11 A Yes.

12 Q Do you know approximately how many times you have
13 done that? I'm talking about just the Elkhart
14 yard.

15 A Just Elkhart yard? Maybe a dozen times in the
16 last four years.

17 Q In the last four years? Are there ever
18 derailments that occur which you do not go take a
19 look at?

20 A Yes.

21 Q Since you responded yes, then you obviously are
22 aware of these derailments; is that right?

23 A Well, I mean I don't really know, but I'm just
24 assuming there are at other times because I have
25 come in to work and they're cleaning up after a

1 derailment or something and I'm not told about it.

2 Q In any of those instances, where they're cleaning
3 up after a derailment, do you know whether those
4 derailments occurred or involved tank cars or
5 refrigerated cars?

6 A Not to my knowledge. I don't know.

7 Q Would you say that more than twenty accidents
8 occur a month at the railyard?

9 A I don't believe it's anywheres near that number.

10 Q Between maybe ten and twenty?

11 A I wouldn't want to guess because I really don't
12 know. My work schedule, as is, a lot of times I'm
13 not around the yard for three, four days at a
14 time.

15 Q I am just talking about the ones that you're aware
16 of. I realize that the railyard is running 24
17 hours a day and you don't work there 24 hours a
18 day, but what I'm asking is how many approximately
19 you're aware of per month, whether it's less than
20 ten or more than ten?

21 A Less.

22 MR. LINDLAND: No more
23 questions.

24 MR. ERMILIO: I have no
25 questions.

(Deposition concluded at 3:55 p.m.)

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GEORGE F. EDSALL

SUBSCRIBED AND SWORN to before me
this _____ day of _____
1992.

Notary Public, State of Indiana
County of Residence:
My Commission Expires:

CERTIFICATE

I, DOROTHY L. HOADE, being a Notary Public in and for the County of St. Joseph and State of Indiana, duly authorized to administer oaths, do hereby certify there appeared before me at the said time and place GEORGE F. EDSALL, who was first duly sworn by me to testify the truth and nothing but the truth in response to questions propounded at the taking of the foregoing deposition.

I further certify that I then and there reported in machine shorthand the proceedings at said time and place; that the proceedings were then reduced to typewriting from my original shorthand notes; and that the foregoing typewritten transcript is a true and accurate record thereof.

I further certify that the deposition was read and signed by the deponent in the presence of a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this ___ day of _____ A.D., 1992.

DOROTHY L. HOADE
Notary Public, State of Indiana
Residence: St. Joseph County
My commission expires 3-12-95